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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/975,214 11/20/97 KOHNO

A 1232-4391

EXAMINER

MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK NY 10154

TM02/0730

OPSASNICK, M

ART UNIT	PAPER NUMBER
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DATE MAILED:

07/30/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

GM

Office Action Summary	Application No. 08/975,214	Applicant(s) Kohno
	Examiner Michael N. Opsasnick	Art Unit 2645
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>May 21, 2001</u>		
2a) <input checked="" type="checkbox"/> This action is FINAL. 2b) <input type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> 1835 C.D. 11; 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-77</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-77</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. § 119		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
*See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).		
Attachment(s)		
15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____		
18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
20) <input type="checkbox"/> Other: _____		

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara et al (5745711) in view of Kamata et al (5953050).

As per claims 1,11,14,21,24,34,37,44,46-50,51,53,60-63,67-69,73,77, Kitahara et al (5745711) teaches a communication system comprising a transmission apparatus for transmitting an image and a voice to be added to the image, and a reception apparatus for receiving the image and the voice, wherein:

“said transmission apparatus comprises transmission means....the image and the voice....apparatus” as teleconferencing system transmitting both image and voice data (col. 5

Art Unit: 2645

lines 24-29; col. 5, lines 39-53; and displaying the status (change) in the image displays (col. 12, lines 40-53);

“said reception apparatus comprises control means.....causing predetermined display means to display the controlled image” as control module controlling both the image data and the corresponding audio data (col. 14, lines 44-62)

Kitahara et al (5745711) does not explicitly teaches the control of the image data based on the voice level transmitted, however, Kamata et al (5953050) teaches image (and image server control) based on transmitted corresponding voice signal (Kamata et al (5953050), col. 2 lines 30-40; col. 11 line 63 - col. 12 line 30). Therefore, it would have been obvious to one of ordinary skill in the art of audio/video transmission to improve upon the invention as taught by Kitahara et al (5745711) with displaying the images based on a voice level because it would advantageously allow the system to switch the video to the person that is speaking (col. 12 lines 25-29).

As per claims 2,15,22,25,38,45,77, Kitahara et al (5745711) teaches:

“said one reception apparatus is connected to said plural transmission apparatuses to be able to selectively receive the image or the voice” as multiple conferees all linked on the same teleconferencing system (Fig. 14, col. 15 lines 30-50).

As per claims 3,23,26,27,59,64-66, Kitahara et al (5745711) teaches:

Art Unit: 2645

“said control means causes said predetermined display means to display each of the images transmitted from said plural transmission apparatuses” as window having the ability to display the multiple inputs (col. 15 lines 39-45);

As per claims 4,64-66, Kitahara et al (5745711) teaches:

“wherein said reception apparatus comprises said predetermined display means” as window having the ability to display the multiple inputs (col. 15 lines 39-45).

As per claims 5,14, 17,27,28,40,45,52,54,56,57,60-63,67,68, Kitahara et al (5745711) teaches:

“wherein said control means emphasizes the image transmitted from said transmission apparatus, in accordance with contents of the voice transmitted from said transmission apparatus” as image is emphasized and is continued to be emphasized until the voice sound is stopped -- at this point the image is de-emphasized (col. 16 lines 24-31)

As per claims 6,7,29,30,58, Kitahara et al (5745711) teaches:

“wherein the emphasizing is to enlarge the image”, “wherein the emphasizing is to emphasize an outer frame of the image” as controlling the space of the image (col. 3 lines 34-40);

Art Unit: 2645

As per claims 8, 19,31, and 42, Kitahara et al (5745711) teaches:

“wherein said reception apparatus comprises a speaker for outputting the voice” as speaker output (fig. 27, subblock 907).

As per claims 9, 16, 18, 32, 39, 41, and 52, Kitahara et al (5745711) teaches:

“wherein said control means control a voice level of the voice transmitted from the predetermined transmission apparatus, in accordance with contents to the voices transmitted from said plural transmission apparatuses” as voice level control of the window containing the selected image (col. 20 line 52 - col. 21 line 8).

As per claims 10,20,33,43,70 and 74, Kitahara et al (5745711) teaches:

“wherein said control means controls resolution of the image transmitted from said transmission apparatus, in accordance with contents of the voice transmitted by said transmission apparatus” by changing the focus (resolution) of the image based on speaker location (col. 16 line 39 - col. col. 17 line 30).

As per claims 12,13,35,36, 69, Kitahara et al (5745711) teaches both a still image (photograph) and moving images (col. 13, lines 61 and col. 14 lines 1-6).

Art Unit: 2645

As per claims 55 and 73, Kitahara et al (5745711) teaches memory means for the image data (col. 6 lines 4-24). It is old and well known in the art of image processing that the amount of image data to be either transmitted or displayed is controlled by the memory capability of the system.

As per claims 71,72 and 75,76, it is old and well known in the art of image processing to have temperature sensors attached with image processors (cameras) because varying ranges of temperatures can have an adverse affect on image quality and therefore it would be advantageous to have such a feature because it would allow the user to monitor/control image quality.

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 60 in regards to image control based on a voice level have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's arguments that the prior art of record does not teach image control, data amount control, based on a change of environment, examiner points to the rejections above that address the following portions of Kitahara (col. 16 line 39 - col. col. 17 line 30).

Art Unit: 2645

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. **Any response to this action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306

Or:

Art Unit: 2645

(703) 308-6296

For informal or draft communications, please label "PROPOSED" or "DRAFT" on the front page of the communication, and do NOT sign the communication.

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Fan Tsang, can be reached at (703)305-4895. The facsimile phone number for this group is (703)308-6306.

Any inquiry of a general nature or relating to the status of this applications should be directed to the Group receptionist whose telephone number is (703)305-3900.

July 26, 2001

mno

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

